

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**KIMBERLEY OWEN**  
**INDIVIDUALLY, AND ON BEHALF**  
**OF OTHERS SIMILARLY,**  
                    **Plaintiff,**

**versus**

**HARRIS COUNTY, TEXAS,**  
                    **Defendant.**

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**Civil Action No 4:07-03273**

**AMENDED FINAL JUDGMENT**

On the 18th of May, 2009, the above-styled and numbered case came on for trial. Both sides appeared and announced ready for trial, and the case was tried to a jury, one having been timely requested. At the conclusion of Plaintiff Kimberly Owen's case in chief, Defendant Harris County, Texas moved for judgment as a matter of law as to Plaintiff's claims. Fed. R. Civ. P. 50(a). The Court denied Defendant's motion. The case was submitted to the jury on May 25, 2009. The jury questions and answers were as follows:

**QUESTION NO. 1**

Do you find by a preponderance of the evidence that Plaintiff was sexually harassed by Constable Cheek?

Answer "Yes" or "No."

\_\_\_\_\_NO\_\_\_\_\_

If you have answered "Yes" to Question Number 1, please proceed to Question Number 2.

If you have answered "No" to Question Number 1, proceed to Question Number 3.

**QUESTION NO. 2**

Do you find by a preponderance of the evidence that Defendant Harris County knew or should have known of Constable Cheek's alleged sexual harassment, and failed to take immediate and appropriate corrective action?

Answer "Yes" or "No."

\_\_\_\_\_N/A\_\_\_\_\_

Please proceed to Question Number 3.

**QUESTION NO. 3**

Do you find by a preponderance of the evidence that Plaintiff was sexually harassed by Captain Thurman?

Answer "Yes" or "No."

\_\_\_\_\_YES\_\_\_\_\_

Please proceed to Question Number 4.

**QUESTION NO. 4**

Do you find by a preponderance of the evidence that Defendant Harris County terminated Plaintiff Kimberly Owens because of her gender?

Answer "Yes" or "No."

\_\_\_\_\_NO\_\_\_\_\_

Please proceed to Question Number 5.

If you answered "Yes" to Question Number 2 or Number 3, or "Yes" to Question Number 4, then answer the following question.

**QUESTION NO. 5**

What sum of money, if any, do you find from a preponderance of the evidence would compensate Plaintiff for her damages, if any, that resulted from the sex-based harassment or the termination?

Consider each element separately. Do not include damages for one element in another element. Answer in dollars and cents, if any.

Pain and Suffering and Mental Anguish  
sustained in the past:

\_\_\_\_\_ \$20,000.00 \_\_\_\_\_

Pain and Suffering and Mental Anguish that, in reasonable  
probability, Kimberly Owens will sustain in the future:

\_\_\_\_\_ \$195,000.00 \_\_\_\_\_

Loss of capacity for enjoyment of life sustained in the past:

\_\_\_\_\_ \$20,000.00 \_\_\_\_\_

Loss of capacity for enjoyment of life that, in reasonable  
probability, Kimberly Owens will sustain in the future:

\_\_\_\_\_ \$0.00 \_\_\_\_\_

Lost earnings/earnings capacity sustained in the past:

\_\_\_\_\_ \$18,000.00 \_\_\_\_\_

Lost earnings/earnings capacity that, in reasonable  
probability, Kimberly Owens will sustain in the future:

\_\_\_\_\_ \$0.00 \_\_\_\_\_

Based on the verdict of the jury and the Court's Order on Defendant's Motion for Judgment as a Matter of Law and Motion to Set Aside the Jury Verdict and/or Motion to Modify the Damage Award, the Court **ENTERS** the following judgment:

Judgment is **GRANTED** in favor of Plaintiff Kimberly Owen in the amount of \$235,000.00, which reflects a deduction of the jury's award of \$18,000.00 for lost earnings/earnings capacity sustained in the past.

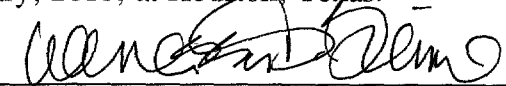
In the event of an appeal to the Court of Appeals, the Court awards an additional amount of \$15,000 and in the event of an appeal to the Supreme Court, an additional amount of \$20,000. Post judgment interest shall accrue at a rate of 0.5% per annum from the date of the judgment until paid.

ACCORDINGLY, it is ORDERED that Plaintiff recover from Defendant their legal fees and costs incurred in the preparation and trial of this case in the amount of **\$199,334.60** plus costs of **\$8,758.48** for a total fees and expenses of **\$208,093.08**.

**THIS IS A FINAL JUDGMENT.**

The Clerk shall enter this Order and provide a copy to all parties.

**SIGNED** on this the 24<sup>th</sup> day of February, 2010, at Houston, Texas.

  
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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**